

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST)	
POLICE OFFICER JANICE RICHARD-KAMALU,)	No. 10 PB 2734
STAR No. 7744, DEPARTMENT OF POLICE,)	
CITY OF CHICAGO,)	(CR No. 1033781)
RESPONDENT.)	

FINDINGS AND DECISION

On October 26, 2010, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Police Officer Janice Richard-Kamalu, Star No. 7744 (hereinafter sometimes referred to as "Respondent"), recommending that the Respondent be discharged from the Chicago Police Department for violating the following Rules of Conduct:

- Rule 2:** Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
- Rule 6:** Disobedience of an order or directive, whether written or oral.
- Rule 14:** Making a false report, written or oral.
- Rule 24:** Failure to follow medical roll procedures.

The Police Board caused a hearing on these charges against Police Officer Janice Richard-Kamalu to be had before Jacqueline A. Walker, Hearing Officer of the Police Board, on February 24 and March 2, 2011.

Following the hearing, the members of the Police Board read and reviewed the record of proceedings and viewed the video-recording of the testimony of the witnesses. Hearing Officer Walker made an oral report to and conferred with the Police Board before it rendered its findings and decision.

POLICE BOARD FINDINGS

The Police Board of the City of Chicago, as a result of its hearing on the charges, finds and determines that:

1. The Respondent was at all times mentioned herein employed as a police officer by the Department of Police of the City of Chicago.

2. The charges were filed in writing and a Notice, stating the time, date, and place, when and where a hearing of the charges was to be held, together with a copy of the original charges, were served upon the Respondent more than five (5) days prior to the hearing on the charges.

3. Throughout the hearing on the charges the Respondent appeared in person and was represented by legal counsel.

4. The Respondent, Police Officer Janice Richard-Kamalu, Star No. 7744, charged herein, is **not guilty** of violating, to wit:

Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department,

in that:

Count I: The Superintendent did not prove by a preponderance of the evidence that the Respondent impeded the Department's efforts to achieve its policy and goals and/or brought discredit upon the Department when on or about February 9, 2010, while on the Medical Roll, in a Stationary Recuperating Status, she removed snow from the sidewalks with the use of a snow blower and/or shovel at or near her residence located at 8155 South Loomis Blvd.

The Superintendent failed to present evidence to show that removing snow from the sidewalks with the use of a snow blower and/or a shovel violated the Department's Medical Policy, Stationary Recuperation (General Order 98-02, Section III-F).

Accordingly, if the Respondent's action failed to violate the Medical Policy, the Respondent did not impede the Department's efforts to achieve its policy and goals, nor did she bring discredit upon the Department.

5. The Respondent, Police Officer Janice Richard-Kamalu, Star No. 7744, charged herein, is **not guilty** of violating, to wit:

Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department,

in that:

Count II: The Superintendent did not prove by a preponderance of the evidence that the Respondent impeded the Department's efforts to achieve its policy and goals and/or brought discredit upon the Department when on or about February 10, 2010, while on the Medical Roll, in a Stationary Recuperating Status, she removed snow from the sidewalks and/or the alley with the use of a snow blower and/or shovel at or near her residence located at 8155 South Loomis Blvd.

The Superintendent failed to present evidence to show that removing snow from the sidewalks with the use of a snow blower and/or a shovel violated the Department's Medical Policy, Stationary Recuperation (General Order 98-02, Section III-F).

Accordingly, if the Respondent's action failed to violate the Medical Policy, the Respondent did not impede the Department's efforts to achieve its policy and goals, nor did she bring discredit upon the Department.

6. The Respondent, Police Officer Janice Richard-Kamalu, Star No. 7744, charged herein, is **guilty** of violating, to wit:

Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department,

in that:

Count III: On or about March 19, 2010, the Respondent provided a false written report to Investigator Michael Cruz of the Medical Integrity Unit by stating that on February 9, 2010, she "was not out of the house" and that "after the snow storm [she] heard a snow blower and looked outside to see [her] neighbor snow blowing and thought what a wonderful thing because [she] was sick. [She then] went back to bed," or words to that effect, when asked if she was removing snow with a snow blower from the sidewalks located at 8155 South Loomis at approximately 1127 hours while recuperating on medical stationary status.

The Superintendent presented convincing evidence that the Respondent provided a false written report when on March 19, 2010, in a written statement, the Respondent stated that on February 9, 2010, she was not out of her house, and that she heard and saw her neighbor snow blowing, and that the Respondent went back to bed. Furthermore, the Department presented convincing evidence by way of a videotape taken on the day in question, which showed the Respondent shoveling snow with a shovel and a snow blower at her place of residence.

7. The Respondent, Police Officer Janice Richard-Kamalu, Star No. 7744, charged herein, is **guilty** of violating, to wit:

Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department,

in that:

Count IV: On or about March 19, 2010, the Respondent provided a false written report to Investigator Michael Cruz of the Medical Integrity Unit by stating that on February 10, 2010, she "went to the Doctor then straight to the Medical Section," or words to that effect, when asked if she was removing snow with a snow blower from sidewalks located at 8155 South Loomis while recuperating on medical stationary status.

The Department presented convincing evidence by way of a videotape taken on February 10, 2010, which showed the Respondent using a snow blower to remove snow from the sidewalks at her place of residence. The Superintendent also presented evidence to show that even though the respondent did report to the Medical Section on the day in question, she did not go to the Doctor and then go straight to the Medical Section, as she reported in her statement.

8. The Respondent, Police Officer Janice Richard-Kamalu, Star No. 7744, charged herein, is **guilty** of violating, to wit:

Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department,

in

in that:

Count V: On or about March 30, 2010, during a statement given to Investigator Michael Cruz of the Medical Integrity Unit, the Respondent stated that on February 10, 2010, she went to the doctor at "around 10:00 a.m., when they opened, the exact time, [she was] not sure, [she] was the first or second person there," or words to that effect, when in fact at approximately 0830 hours her vehicle was located outside her residence at 8155 South Loomis Blvd., and at approximately 1125 hours she was observed leaving her residence and removing snow from the sidewalks and/or the alley and/or a vehicle with the use of a snow blower and/or shovel at or near her residence at 8155 South Loomis Blvd. before entering a vehicle and relocating to the Department's Medical Section located at 3510 South Michigan Avenue at approximately 1227 hours.

The Superintendent presented sufficient evidence by way of a videotape obtained on the day in question to show that the Respondent was at her place of residence at approximately 1125 hours, and not at her Doctor's office at 10:00 a.m. on February 10, 2010, as she stated to Investigator Michael Cruz of the Medical Integrity Unit.

9. The Respondent, Police Officer Janice Richard-Kamalu, Star No. 7744, charged herein, is **not guilty** of violating, to wit:

Rule 6: Disobedience of an order or directive, whether written or oral,

in that:

Count I: The Superintendent did not prove by a preponderance of the evidence that the Respondent violated General Order 98-02, Section III-F, when on or about February 9, 2010, while on the Medical Roll, in a Stationary Recuperating Status, she removed snow from the sidewalks with the use of a snow blower and/or shovel at or near her residence located at 8155 South Loomis Blvd.

See the Findings set forth in paragraph no. 4 above, which are adopted here.

10. The Respondent, Police Officer Janice Richard-Kamalu, Star No. 7744, charged herein, is **not guilty** of violating, to wit:

Rule 6: Disobedience of an order or directive, whether written or oral,

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in that:

Count II: The Superintendent did not prove by a preponderance of the evidence that the Respondent violated General Order 98-02, Section III-F, when on or about February 10, 2010, while on the Medical Roll, in a Stationary Recuperating Status, she removed snow from the sidewalks and/or the alley with the use of a snow blower and/or shovel at or near her residence located at 8155 South Loomis Blvd.

See the Findings set forth in paragraph no. 5 above, which are adopted here.

11. The Respondent, Police Officer Janice Richard-Kamalu, Star No. 7744, charged herein, is **guilty** of violating, to wit:

Rule 14: Making a false report, written or oral,

in that:

Count I: On or about March 19, 2010, the Respondent provided a false written report to Investigator Michael Cruz of the Medical Integrity Unit by stating that on February 9, 2010, she "was not out of the house" and that "after the snow storm [she] heard a snow blower and looked outside to see [her] neighbor snow blowing and thought what a wonderful thing because [she] was sick. [She then] went back to bed," or words to that effect, when asked if she was removing snow with a snow blower from sidewalks located at 8155 South Loomis at approximately 1127 hours while recuperating on medical stationary status, thereby making a false report, written or oral.

See the Findings set forth in paragraph no. 6 above, which are adopted here.

12. The Respondent, Police Officer Janice Richard-Kamalu, Star No. 7744, charged herein, is **guilty** of violating, to wit:

Rule 14: Making a false report, written or oral,

in that:

Count II: On or about March 19, 2010, the Respondent provided a false written report to Investigator Michael Cruz of the Medical Integrity Unit by stating that on February 10, 2010, she "went to the Doctor then straight to the Medical Section," or words to that effect, when asked if she was removing snow with a snow blower from sidewalks located at 8155 South Loomis while recuperating on medical stationary status, thereby making a false report, written or oral.

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See the Findings set forth in paragraph no. 7 above, which are adopted here.

13. The Respondent, Police Officer Janice Richard-Kamalu, Star No. 7744, charged herein, is **guilty** of violating, to wit:

Rule 14: Making a false report, written or oral,

in that:

Count III: On or about March 30, 2010, during a statement given to Investigator Michael Cruz of the Medical Integrity Unit, the Respondent stated that on February 10, 2010, she went to the doctor at "around 10:00 a.m., when they opened, the exact time, [she was] not sure, [she] was the first or second person there," or words to that effect, when in fact at approximately 0830 hours her vehicle was located outside her residence at 8155 South Loomis Blvd., and at approximately 1125 hours she was observed leaving her residence and removing snow from the sidewalks and/or the alley and/or a vehicle with the use of a snow blower and/or shovel at or near her residence at 8155 South Loomis Blvd. before entering a vehicle and relocating to the Department's Medical Section located at 3510 South Michigan Avenue at approximately 1227 hours, thereby making a false report, written or oral.

See the Findings set forth in paragraph no. 8 above, which are adopted here.

14. The Respondent, Police Officer Janice Richard-Kamalu, Star No. 7744, charged herein, is **not guilty** of violating, to wit:

Rule 24: Failure to follow medical roll procedures,

in that:

Count I: The Superintendent did not prove by a preponderance of the evidence that the Respondent failed to follow the Department's medical roll procedures when on or about February 9, 2010, while on the Medical Roll, in a Stationary Recuperating Status, she removed snow from the sidewalks with the use of a snow blower and/or shovel at or near her residence located at 8155 South Loomis Blvd.

See the Findings set forth in paragraph no. 4 above, which are adopted here.

15. The Respondent, Police Officer Janice Richard-Kamalu, Star No. 7744, charged herein, is **not guilty** of violating, to wit:

Rule 24: Failure to follow medical roll procedures,

in that:

Count II: The Superintendent did not prove by a preponderance of the evidence that the Respondent failed to follow the Department's medical roll procedures when on or about February 10, 2010, while on the Medical Roll, in a Stationary Recuperating Status, she removed snow from the sidewalks and/or the alley and/or a vehicle with the use of a snow blower and/or shovel at or near her residence located at 8155 South Loomis Blvd.

See the Findings set forth in paragraph no. 5 above, which are adopted here.

16. The Police Board has considered the facts and circumstances of the Respondent's conduct, the evidence presented in defense and mitigation, and the Respondent's disciplinary history, which contains no prior sustained complaints. The Board finds that a penalty of discharge is not warranted, and finds that a suspension is the appropriate penalty in this case.

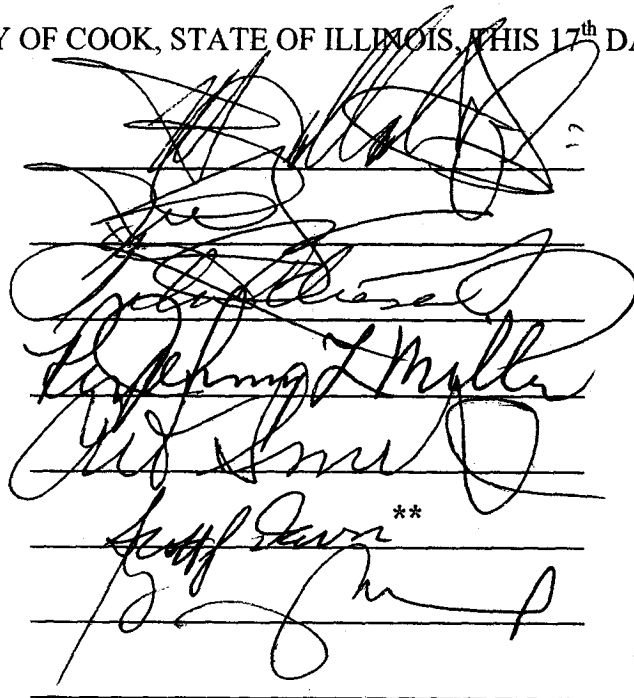
BY REASON OF THE FINDINGS set forth herein, cause exists for the suspension of the Respondent, Police Officer Janice Richard-Kamalu, Star No. 7744, from her position as a police officer with the Department of Police, and from the services of the City of Chicago, for a period of fifteen (15) days, from October 29, 2010, to and including November 12, 2010.

POLICE BOARD DECISION

The Police Board of the City of Chicago, having read and reviewed the record of proceedings in this case, having viewed the video-recording of the testimony of the witnesses, having received the oral report of the Hearing Officer, Jacqueline A. Walker, and having conferred with the Hearing Officer on the credibility of the witnesses and the evidence, hereby adopts all findings herein; and, in reaching its decision as to the penalty imposed, the Board has taken into account not only the facts of this case but also the Respondent's complimentary and disciplinary histories, copies of which are attached hereto as Exhibit A; and

IT IS HEREBY ORDERED that the Respondent, **Police Officer Janice Richard-Kamalu**, Star No. 7744, as a result of having been found **guilty** of charges in Police Board Case No. 10 PB 2734, be and hereby is **suspended** from her position as a police officer with the Department of Police, and from the services of the City of Chicago, for a period from October 29, 2010, to and including November 12, 2010 (15 days).

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 17th DAY OF MARCH, 2011.



**Vice President Davis dissents from the Findings set forth in paragraph nos. 4, 5, 9, 10, 14, and 15. He concurs with all other Findings and with the Decision as to the penalty imposed.

Attested by:



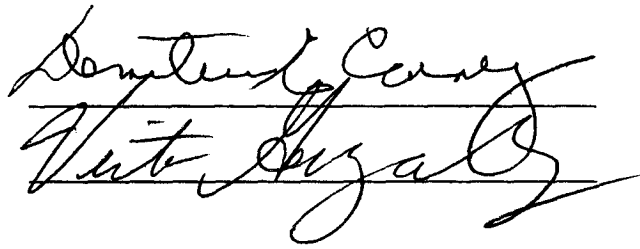
Executive Director
Police Board

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DISSENT

The following members of the Police Board hereby dissent from the Decision of the majority of the Board.

The undersigned voted to impose a more severe penalty.



RECEIVED A COPY OF

THESE FINDINGS AND DECISION

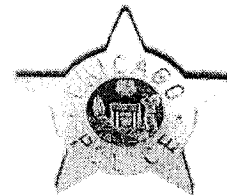
THIS ____ DAY OF _____, 2011.

SUPERINTENDENT OF POLICE

Report Date: 01 Apr 2010
Report Time: 0924 Hrs

Chicago Police Department

Personnel Division



Information Services Division
Data Warehouse
Produced by: PC0D911

**Only for active personnel*

Complimentary History

Name	Title	Star	Unit	Detail Unit	Emp Number
RICHARD KAMALU, JANICE L	9161	7744	007		23253

Achievements

Total No.

COMPLIMENTARY LETTER
HONORABLE MENTION
TOTAL ACHIEVEMENTS

3

6

9

NOTE: THIS REPORT IS FOR OFFICIAL LAW
ENFORCEMENT / AUTHORIZED USE ONLY.
THE INFORMATION IS CURRENT AS OF THE
DATE AND TIME OF THE REPORT. THIS



Chicago Police Department

CLEAR

Citizen & Law Enforcement Analysis & Reporting

ATT #36
CCH 1033781

INTERNAL AFFAIRS DIVISION
RECORDS SECTION

31 MARCH 2010

TO: COMMANDER OFFICER UNIT 231

FROM: RECORDS SECTION
INTERNAL AFFAIRS DIVISION

SUBJECT: PREVIOUS SUSTAINED DISCIPLINARY HISTORY OF:

RICHARD KAMALE	JANICE	7744	007
NAME	(LAST-FIRST)	STAR	UNIT
FEMALE	BLACK	23253	
SEX	RACE	EMPLOYEE#	

REFERENCE: COMPLAINT REGISTER/LOG NUMBER 1033781

THE PREVIOUS SUSTAINED DISCIPLINARY HISTORY OF THE SUBJECT
ACCUSED HAS BEEN REQUESTED IN YOUR NAME BY:

SGT.	CRUZ	5587	231
RANK	NAME	STAR	EMPLOYEE# UNIT

RELATIVE TO A SUSTAINED FINDING IN THE INVESTIGATION OF THE
ABOVE REFERENCE COMPLAINT LOG NUMBER.

THE RECORDS SECTION, INTERNAL AFFAIRS DIVISION, DISCLOSED THE
FOLLOWING DISCIPLINARY ACTION ADMINISTERED TO THE SUBJECT
ACCUSED FOR THE PAST FIVE (5) YEARS:

VERIFIED/PREPARED BY:

~~NON~~
SEE ATTACHED

DEANNA C. MAGSBY
FOR: COMMANDING OFFICER
RECORDS SECTION
INTERNAL AFFAIRS DIVISION

ATT #37
and 3740